

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

FLORIS BARTLETT,)	
)	
Plaintiff,)	
)	
v.)	Case No. 03-0063-CV-W-GAF
)	
THOMAS LOFTUS, M.D.,)	
JEFFREY L. CHENOWETH, M.D.,)	Civil No. 02CV227649
KEVIN NAGAMANI, M.D.,)	Circuit Court of Jackson County, Missouri
FABIO J. RODRIGUEZ, M.D.,)	
JENNIFER TURNER, M.D.,)	Division 4
JIMMIE D. COY, M.D.,)	
FRANK VICTOR, M.D.,)	
MANU EHATTATIRY, M.D.,)	
THOMAS ATTEBERRY, M.D.,)	
STEPHEN WHITE, M.D.,)	
BENNETT GREENSPAN, M.D.,)	
)	
Defendants.)	

NOTICE OF REMOVAL

TO: The Honorable Judge of the United States District
Court for the Western District of Missouri

Defendants, Thomas Loftus, M.D., Jeffrey L. Chenoweth, M.D., Kevin Nagamani, M.D.,
Fabio J. Rodriguez, M.D., Jennifer Turner, M.D., Jimmie D. Coy, M.D., Frank Victor, M.D.,
Manu Ehattatiry, M.D., Thomas Atteberry, M.D., Stephen White, M.D. and Bennett Greenspan,
M.D., each in his or her official capacity, notify the Court that:

1. This Notice is filed by authority of the Attorney General of the United States of
America and pursuant to 28 U.S.C. §§ 1446(a) and 2679(d)(2).

2. Thomas Loftus, M.D., defendant, was an employee of the United States Department of Veterans Affairs at all material times alleged in the Petition filed in the above-captioned civil action pending in the Jackson County, Missouri Circuit Court.

3. Jeffrey L. Chenoweth, M.D., defendant, was an employee of the United States Department of Veterans Affairs at all material times alleged in the Petition filed in the above-captioned civil action pending in the Jackson County, Missouri Circuit Court.

4. Kevin Nagamani, M.D., defendant, was an employee of the United States Department of Veterans Affairs at all material times alleged in the Petition filed in the above-captioned civil action pending in the Jackson County, Missouri Circuit Court.

5. Fabio J. Rodriguez, M.D., defendant, was an employee of the United States Department of Veterans Affairs at all material times alleged in the Petition filed in the above-captioned civil action pending in the Jackson County, Missouri Circuit Court.

6. Jennifer Turner, M.D., defendant, was an employee of the United States Department of Veterans Affairs at all material times alleged in the Petition filed in the above-captioned civil action pending in the Jackson County, Missouri Circuit Court.

7. Jimmie D. Coy, M.D., defendant, was an employee of the United States Department of Veterans Affairs at all material times alleged in the Petition filed in the above-captioned civil action pending in the Jackson County, Missouri Circuit Court.

8. Frank Victor, M.D., defendant, was an employee of the United States Department of Veterans Affairs at all material times alleged in the Petition filed in the above-captioned civil action pending in the Jackson County, Missouri Circuit Court.

9. Manu Ehattatiry, M.D., defendant, was an employee of the United States Department of Veterans Affairs at all material times alleged in the Petition filed in the above-captioned civil action pending in the Jackson County, Missouri Circuit Court.

10. Thomas Atteberry, M.D., defendant, was an employee of the United States Department of Veterans Affairs at all material times alleged in the Petition filed in the above-captioned civil action pending in the Jackson County, Missouri Circuit Court.

11. Stephen White, M.D., defendant, was an employee of the United States Department of Veterans Affairs at all material times alleged in the Petition filed in the above-captioned civil action pending in the Jackson County, Missouri Circuit Court.

12. Bennett Greenspan, M.D., defendant, was an employee of the United States Department of Veterans Affairs at all material times alleged in the Petition filed in the above-captioned civil action pending in the Jackson County, Missouri Circuit Court.

13. Defendants Thomas Loftus, M.D. and Jennifer Turner, M.D. received a copy of the Summons and Petition in this action in November of 2002. No other service is known to the defendant at the present time.

14. The Acting United States Attorney for the Western District of Missouri has certified in Exhibit A, pursuant to 28 U.S.C. § 2679(d) and the authority delegated to him by the Assistant Attorney General in the Appendix to 28 C.F.R. § 15.3, that defendants were acting in the scope of his or her federal employment at the time of the events alleged in the Petition.

15. Defendant is entitled to have this action removed from the Jackson County Circuit Court to this Court, pursuant to 28 U.S.C. §§ 1442 and 2679(d)(2).

16. Attached as Exhibit B is a copy of all process, pleadings, and orders delivered to defendants Loftus and Turner by the process server. Defendants dispute that service of process was performed properly.

WHEREFORE, defendants request that the above-captioned action be deemed removed to this Court upon filing of this Notice.

Respectfully submitted,

Todd P. Graves
United States Attorney

By /s/

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